

**NOTICE OF PUBLIC HEARING  
DEPARTMENT OF GAME, FISH AND PARKS**

A Public Hearing will be held at the RedRossa Convention Center, 808 W. Sioux Avenue, Pierre, South Dakota, on March 5, 2015, at 2:00 o'clock P.M. (CST), to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:03:01 - Use of Parks and Public Lands

Effect: The proposed amendment would expand the area within North Point Recreation Area in Charles Mix County that is restricted to shot shell and archery hunting to include the area situated west of 382nd Avenue and north of 297th Street, and situated south of 297th Street and west of Prairie Dog Bay.

Reason: As a result of continued residential and vacation home development and the development of a full-service 100-unit campground adjacent to North Point Recreation Area, the department is proposing that a portion of the recreation area be restricted to archery and shot shell shooting in order to decrease the risk of rifle hunting related incidents that may harm persons residing in or utilizing these developed areas.

2. ARSD 41:04:02 – Public Water Zoning.

Effect: The proposal would amend the existing "no wake zone" and designate a "public swimming zone" at Rocky Point Recreation Area on the Belle Fourche Reservoir in Butte County.

Reason: As the result of the installation of a second primary boat ramp and a low-water boat ramp at Rocky Point, the department is recommending creation of a "no wake zone" around these boat ramps to protect boaters. The department has designated a swim beach on the west shoreline of Rocky Point adjacent to the campground and is recommending that the waters fronting the swim beach be designated as a "public swimming zone" to protect swimmers and beach users.

3. ARSD 41:05:02 – Refuges.

Effect: The proposed amendment would eliminate the Cottonwood Lake State Waterfowl Refuge in Sully County.

Reason: Waterfowl use of Cottonwood Lake Waterfowl Refuge is limited. Landowners associated with this refuge are neutral or support removing this refuge designation. In addition, input solicited from sportsmen and sportswomen indicate support removal of this refuge designation.

#### 4. ARSD 41:10:04 – Aquatic Nuisance Species

Effect: The proposed amendments would (a) change all references in current rule from “aquatic nuisance species” to “aquatic invasive species”; (b) add “Common Reed, *Phragmites australis*” to the list of invasive plants; (c) allow law enforcement officers to require the removal of vegetation and all aquatic invasive species from a boat, and to require that all drain plugs and related devices be opened or removed from all boats when being transported with exceptions for emergency response boats and vehicles and other boats while on lands owned, leased, controlled, or managed by the department or other government entities adjacent to the water; (d) promulgate a new rule authorizing the department secretary to declare a waterbody an aquatic invasive species containment water, describe the conditions that would necessitate this action, and outline department responsibilities; (e) promulgate a new rule prohibiting the transportation of fish and aquatic bait in water away from any aquatic invasive species containment water body except when on lands owned, leased, controlled, or managed by the department or other government entities, and would allow no more than five gallons of vegetation-free water to be possessed for transport of bait and fish away from water bodies not designated as aquatic invasive species containment waters.

Reason: (a) The term “invasive” more accurately describes the non-native species that pose a threat to the aquatic resources of the state of South Dakota. (b) Common Reed,

*Phragmites australis*, is an aquatic invasive species (AIS) that is expanding in the Niobrara River delta area above Lewis and Clark Lake and should be on the list of designated aquatic invasive plant species. (c) Current rule allows law enforcement officers to require the removal of aquatic vegetation, but not aquatic invasive invertebrates or fish. The proposed amendment would authorize law enforcement officers to require the removal of any species designated by the Commission as an aquatic invasive species. The amendments would also require that any device that restricts the draining of water from a boat to be opened or removed while the boat is being transported. The primary vector for the movement of many aquatic invasive species, such as zebra and quagga mussels, is the transportation of the species in residual water held in recreational boats and associated equipment. Reducing or eliminating the transfer of water between water bodies is an essential component of both the South Dakota AIS Management Plan and federal invasive species management efforts. Exemptions for emergency vehicles and boats, and for boats when on lands owned, leased, controlled or managed by the department or other government entities are included. (d) The proposed new rule authorizing the Secretary to declare a body of water as an aquatic invasive species containment water will allow for differing regulations at waters that have met conditions that demonstrate an imminent danger from the spread of aquatic invasive species and is essential to allow for rapid response to the spread of aquatic invasive species to new waters. (e) The addition of this rule will prohibit the transportation of fish and aquatic bait away from all waters designated as aquatic invasive species containment waters except when on land owned leased, controlled or managed by the department or other government entities and allow no more than five gallons of vegetation-free water, to be used to transport bait and fish away from waters not designated aquatic invasive species containment waters, thereby reducing the

amount of water being transported in the state and will help to manage the primary vector for the spread of aquatic invasive species.

The above rule proposals may be modified or amended following receipt of public comment at the hearing to include or exclude matters that are described in this Notice of Hearing. The hearing may be continued from time to time until its business has been completed and may be rescheduled.

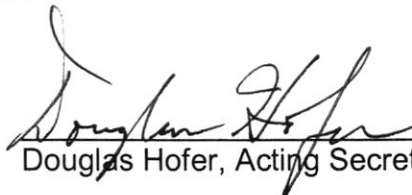
Interested persons will be given reasonable opportunity to submit data, opinions, arguments, and their views, either orally or in writing (or both) at the hearing. Persons unable to attend the hearing may mail data, opinions, arguments, and their views to the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501, or transmit by email to either [wildinfo@state.sd.us](mailto:wildinfo@state.sd.us) or [gfpadminrules@state.sd.us](mailto:gfpadminrules@state.sd.us). All persons who desire to submit written data, opinions, arguments, and their views by mail or email are encouraged to mail or transmit the same in sufficient time so that it is received by and in the office of the Secretary of the Department of Game, Fish, and Parks on or before 12:00 o'clock P.M. on the date of the hearing. Interested persons will be given reasonable opportunity to submit data, opinions, arguments and their views, either orally or in writing (or both) to the Commission for their consideration. All written and email comments must include the name, home town/city, and state of the person submitting the comments.

The above rule proposals are available for review on the internet by going to <https://rules.sd.gov/> and copies of the proposed rules may be requested from the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Any individuals with disabilities who will require a reasonable accommodation in order to participate in the hearing should

submit a request to the undersigned at 605.773.3718 or 605.223.7684 (Telecommunication Device for the Deaf).

Dated this 6<sup>th</sup> day of February, 2015.

(SEAL)

  
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Douglas Hofer, Acting Secretary

This Notice of Public Hearing is published at the approximate cost of \$\_\_\_\_\_.